

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee on
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR_RCP_pt01a
- 05hrAC-EdR_RCP_pt01b
- 05hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

➤ **

➤ Committee Hearings ... CH

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Hearing Records ... HR

➤ **

➤ Miscellaneous ... Misc

➤ 97hrJC-Fi_Misc_pt120_LFB

➤ Record of Comm. Proceedings ... RCP

➤ **

Transportation

State Patrol

(LFB Budget Summary Document: Page 613)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1	Mobile Data Computers (Paper #880)
2	Breath Testing Instrument Replacement (Paper #881)
-	Transfer Chemical Test Program to the OWI Surcharge (Paper #882)
5	Public Safety Radio System (Paper #883)
7	Fees for State Patrol Services (Paper #884)

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Mobile Data Computers (DOT -- State Patrol)

[LFB Summary: Page 613, #1]

CURRENT LAW

State troopers and inspectors request information on vehicle registration, driver licenses, and arrest warrants primarily through a voice radio system using dispatchers located in each of the State Patrol's seven district headquarters. Approximately 70 vehicles are equipped with mobile data terminals which allow the officer to check for this information directly using a digitized radio signal. The responses are sent from computerized databases and appear on a screen mounted on the dashboard.

GOVERNOR

Provide \$701,200 SEG in 1997-98 and \$1,240,700 SEG in 1998-99 to purchase and install mobile data computers (MDCs) for State Patrol vehicles. These computers allow officers to check information via a digitized radio signal, as the current mobile data terminals do, but also contain a microprocessor that would allow for other future applications. The funding would support payments on a three-year financing agreement totalling \$3,237,000 for the purchase and installation of 380 computers.

DISCUSSION POINTS

Mobile Data Communication System

1. The 1993-95 biennial budget provided \$750,000 annually for the purchase of 60 mobile data terminals for State Patrol vehicles and for some of the radio infrastructure to support their operation. In January, 1996, an additional \$3 million out of a DOA telecommunications appropriation was provided to complete the radio infrastructure to provide statewide coverage.

2. It was believed that the terminals would reduce voice radio congestion because they allow law enforcement officers to check operator's license, registration and warrant information directly from DOT and Department of Justice databases via a digitized radio signal, thereby eliminating the need to use voice communication for this purpose.

3. Mobile data terminals are used in only a small proportion of State Patrol vehicles, so the voice radio communication system continues to be congested. Each of the State Patrol's seven districts have just one channel for voice radio communication. As many as 30 or 40 troopers could be trying to use that channel at one time. During shift changes, when troopers must sign in and out, the number of troopers trying to use the channel can be even higher.

4. Radio congestion causes delays in obtaining vehicle and driver checks, resulting in longer times to issue citations and conduct accident investigations, frustrating troopers and motorists. The State Patrol reports that due to the radio congestion, troopers frequently can not follow the standard policy of checking on registration and license data before and during every traffic stop.

5. DOT argues that when troopers are unable to check registration, license and warrant information, safety is compromised. For example, a trooper would not be able to identify a stolen car unless the registration information is checked. If the trooper does not know that a vehicle is stolen, he or she may not take additional precautions when approaching the driver. The mobile data technology would make it easier to check registration data prior to every stop, thus enhancing trooper safety.

6. If troopers are unable to check for warrant and license information, then some drivers who are wanted for arrest or who have suspended or revoked licenses may escape sanction. This may reduce the State Patrol's effectiveness in enforcing the law.

7. Another advantage of the mobile data technology is that it allows the transmission via digitized signal of certain confidential information, such as the names of crash victims or arrested juveniles, or the credit card numbers of motorists who are required to post bond for violations. This prevents an individual using a police scanner from having access to this information.

Mobile Data Computers Versus Mobile Data Terminals

8. Mobile data computers are expected to produce the same advantages in terms of reducing voice radio congestion as the terminals. In addition, because computers can run various software applications that terminals can not, they may eventually allow the officers to do the following: (a) prepare citations electronically, transmit them to a court and print out a copy for the motorist; (b) prepare accident reports electronically and transmit them to DOT; (c) use word processing to prepare incident reports; (d) file time logs electronically; and (e) use global positioning systems to keep track of each vehicle's location and to assist in preparing accident reconstruction reports.

9. DOT indicates that although not all of these applications would necessarily be available in the short-term, having the computers would allow them to be used once developed. The most likely application is the electronic issuance of citations. Several courts already have the capability of receiving electronic citations, and DOT indicates that they could begin phasing-in electronic citations in about 20 counties by the beginning of calendar year 1998, and in the rest of the applicable counties by the end of the following biennium. In addition, DOT indicates that it is exploring the possibility of doing a global positioning systems pilot program, which may be available by the time the computers would be installed.

10. While the computers have certain advantages over terminals, the cost is higher. The cost to purchase and install one mobile data computer is estimated at \$8,800, while the comparable cost for a terminal is \$3,450.

11. The Department indicates that they want to purchase mobile data computers rather than mobile data terminals because of the potential applications that the computer would allow. Electronic citation and word processing for filing incident reports, for instance, would potentially save significant amounts of time and, therefore, improve productivity.

12. Several local law enforcement agencies are purchasing machines and using the mobile data communications infrastructure. Since terminals are less expensive than computers and since most local agencies do not have access to the time-saving applications that can only be performed with a computer, most have chosen to purchase mobile data terminals. The Fond du Lac and Sun Prairie Police Departments have both purchased mobile data computers so officers could prepare electronic accident reports and use word processing for various purposes. The Sun Prairie Police Department is piloting the electronic citation form and reports significant time savings in processing citations, as well as fewer errors.

13. If DOT purchased mobile data terminals instead of computers, it would be several years before the State Patrol could take advantage of the efficiency gains possible with computers. This is because the terminals would probably last five to seven years and would not be replaced during that time.

Reestimate of Costs

14. Since the time when the budget was prepared, additional information on the number of machines needed and their estimated cost has become available. Based on this information, a three-year master lease agreement for 357 mobile data computers would require \$523,200 in 1997-98 and \$1,046,500 in 1998-99. Over the biennium, this is a reduction of \$372,200 from the original recommendation. Total payments over the term of the master lease would be \$3,139,500.

15. The State Patrol could purchase enough mobile data terminals to equip all vehicles with payments of \$176,400 in 1997-98 and \$352,800 in 1998-99 on a four-year master lease agreement (because the terminals are less complex, DOA indicates that it would be possible to finance them over a longer term). Total payments over the term of the lease agreement would be \$1,411,200.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$701,200 SEG in 1997-98 and \$1,240,700 SEG in 1998-99 to purchase 380 mobile data computers for State Patrol vehicles.

<u>Alternative 1</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$1,941,900
[Change to Bill]	\$0]

2. Provide \$523,200 SEG in 1997-98 and \$1,046,500 SEG in 1998-99 to make payments on a three-year master lease agreement for the purchase of 357 mobile data computers for State Patrol vehicles. (This is the reestimated number of units and funding needed to provide mobile data computers for all State Patrol vehicles that do not currently have mobile data terminals.)

<u>Alternative 2</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$1,569,700
[Change to Bill]	- \$372,200]

3. Provide \$176,400 SEG in 1997-98 and \$352,800 SEG in 1998-99 to make payments on a four-year master lease agreement for the purchase of 357 mobile data terminals for State Patrol vehicles. (This would provide mobile data terminals for all State Patrol vehicles that do not currently have them.)

<u>Alternative 3</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$529,200
[Change to Bill]	- \$1,412,700]

4. Take no action.

<u>Alternative 4</u>	<u>SEG</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$1,941,900]

Prepared by: Jon Dyck

MO# Alt #2

JENSEN	<input checked="" type="checkbox"/>	N	A
ZOURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
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WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Breath Testing Instrument Replacement (DOT -- State Patrol)

[LFB Summary: Page 613, #2]

CURRENT LAW

The Department of Transportation, through the chemical testing section of the Division of State Patrol, owns and maintains 325 evidential breath alcohol testing instruments. The machines, called intoxilyzers, are used by law enforcement officers to enforce the state's operating while intoxicated (OWI) laws. Most of the machines (279) are assigned to local law enforcement agencies, while the rest are assigned to State Patrol district offices or are used as spares or for training.

Courts are required to impose a \$300 driver improvement surcharge on persons convicted of OWI offenses. A portion of the collections from this surcharge are transmitted to the State Treasurer and used for programs related to preventing drunk driving.

GOVERNOR

Increase funding by \$234,600 PR in 1997-98 and \$469,100 PR in 1998-99 to replace 325 breath testing instruments. These amounts reflect payments in the biennium on a five-year financing agreement totalling \$2,345,500.

Increase the driver improvement surcharge by \$15, from \$300 to \$315. Modify the percentage allocation of the surcharge to allow the state to retain the full \$15 increase. Create an annual program revenue appropriation for the purchase and maintenance of breath screening instruments. Specify that funds could be transferred to this appropriation by the Secretary of

Administration from a program revenue appropriation in the Department of Health and Family Services (DHFS), where the state's share of the surcharge is currently collected. Specify that the unencumbered balance in the breath test instruments appropriation account on June 30 of each year be transferred back to the DHFS appropriation. These provisions would first apply to offenses committed on the effective date of the bill. Estimate program revenues from the additional surcharge at \$248,200 in 1997-98 and \$496,500 in 1998-99.

DISCUSSION POINTS

Intoxilyzer Machines

1. While State Troopers carry preliminary breath testing devices, only the stationary machines that are kept in State Patrol district headquarters or local law enforcement agencies are sufficiently accurate to produce breath alcohol content evidence admissible in the courts for the purposes of prosecution.

2. The current breath testing machines, or intoxilyzers, owned by DOT are about 12 years old. They were purchased in 1984 and 1985 with money from the OWI surcharge.

3. The machines are reaching the end of their useful life, and, DOT indicates, probably should have been replaced two years ago. In calendar year 1995, \$59,000 was spent on replacement parts to repair the machines, not including expenses related to time and travel to perform the repairs. DOT indicates that because machines of this type are no longer manufactured, some replacement parts are difficult to obtain. As a result, some spare machines have been disassembled for parts to use in other machines.

4. Some district attorneys have expressed concerns about the reliability of the machines, even declining to prosecute in some cases. Defense attorneys have begun using a particular machine's maintenance history as evidence in trial. New machines could potentially save money in the justice system because fewer cases may go to trial.

5. Blood and urine testing are two alternatives to breath sample testing for enforcing OWI laws, but these methods are more time consuming, more costly and, in some cases, require that samples be sent to the State Laboratory of Hygiene for analysis.

Five-Year Master Lease

6. Under the bill, the machines would be purchased using a five-year lease agreement. A reestimate of the amounts needed to make payments on the lease, \$233,000 in 1997-98 and \$466,000 in 1998-99, represents a slight decrease from the amounts in the bill.

7. The lease agreement would allow DOT to purchase all of the machines at the same time, which would ensure that they would be exactly the same model. This would have the following advantages: (a) simplified training; (b) simplified maintenance; and (c) statewide consistency in producing evidence for courts. In addition, because of the quantity purchased, there may be advantages in both the price of the machines and the warranty terms.

Driver Improvement Surcharge

8. The bill would increase the driver improvement surcharge by \$15, from \$300 to \$315. The courts are required to impose the surcharge on persons found guilty of operating while intoxicated, operating a commercial vehicle with a prohibited alcohol concentration, the intoxicated use of a vehicle (including a commercial vehicle) causing injury or great bodily harm, or the intoxicated use of a vehicle causing death.

9. Of the funds currently collected from the driver improvement surcharge, 29.2% is sent to the state and the remaining 70.8% is retained by the county in which the conviction occurred. Counties use this money for assessment and treatment of convicted drivers' alcohol problems. A portion of the state's share is sent to small counties that do not have enough OWI convictions to generate sufficient revenue to provide driver assessment services. The remainder of the state's share is distributed to the Department of Public Instruction, the Department of Justice and the State Laboratory of Hygiene for various services related to alcohol education and enforcement. In order to ensure that the entire \$15 increase goes to the state, the bill would increase the state's share to 32.6%.

10. The revenue estimates included in the bill are based on the assumptions that 33,100 convictions will occur each year and that the entire surcharge will be collected in all cases. Using these assumptions, the following table compares collections under current law and the bill.

	<u>Current Law</u>	<u>Proposed Change</u>
Surcharge	\$300	\$315
Number of Convictions	x 33,100	x 33,100
Total	= \$9,930,000	= \$10,426,500
State's Share	x 29.2%	x 32.6%
Amount Collected by State	= \$2,899,560	= \$3,399,039
Additional Revenue for State	N.A.	\$499,479
Amount Retained by Counties	\$7,030,440	\$7,027,461

11. During the past ten years, the annual number of convictions has varied from a low of 33,100 to a high of over 37,000. In calculating the surcharge necessary to fund the master lease payments, DOT used 33,100 convictions as a conservative estimate. However, based on

recent experience, it appears reasonable to assume that there will be 35,000 convictions each year.

12. In some cases, where a person is convicted of an OWI offense, the judge may determine that the person is unable to pay the full amount of the various fines, forfeitures and surcharges that come with this type of conviction and, therefore, may reduce the amount the person is required to pay. In other cases, the convicted person may simply not pay, which results in the revocation of driving privileges. Based on a review of recent collections data, it appears that the average collection is about \$200 per conviction, or two-thirds of the current surcharge level.

13. The following table compares current law and the proposal based on the assumptions that 35,000 convictions will occur each year and that, on average, only two-thirds of the surcharge will be collected. The additional revenue would be \$352,100, which would not be sufficient to make the payments on the lease agreement.

	<u>Current Law</u>	<u>Proposed Change</u>
Surcharge	\$300	\$315
Average Amount Collected	\$200	\$210
Number of Convictions	x 35,000	x 35,000
Total	= \$7,000,000	= \$7,350,000
State's Share	x 29.2%	x 32.6%
Amount Collected by State	= \$2,044,000	= \$2,396,100
Additional Revenue for State	N.A.	\$352,100
Amount Retained by Counties	\$4,956,000	\$4,953,900

14. An alternative to raise enough revenue to make the payments would increase the surcharge by \$25 and increase the percentage collected by the state to 34.8% (this would continue to hold the counties harmless). This scenario, which results in an additional \$599,060 for the state, is shown below.

	<u>Current Law</u>	<u>Proposed Change</u>
Surcharge	\$300	\$325
Average Amount Collected	\$200	\$217
Number of Convictions	x 35,000	x 35,000
Total	= \$7,000,000	= \$7,595,000
State's Share	x 29.2%	x 34.8%
Amount Collected by State	= \$2,044,000	= \$2,643,060
Additional Revenue for State	N.A.	\$599,060
Amount Retained by Counties	\$4,956,000	\$4,951,940

15. The amount that a person convicted of a first OWI offense typically pays, when all amounts are included, is \$687.50. The following table shows the various charges:

Forfeiture	\$250.00
Penalty Assessment	57.50
Jail Assessment	10.00
Justice Enforcement/ Court Support Fees	45.00
Circuit Court Costs	25.00
OWI Surcharge	<u>300.00</u>
TOTAL	\$687.50

16. Although a \$25 increase in the OWI surcharge would be an 8.3% increase in that component, it would represent a 3.6% increase in the total typically assessed for a first OWI offense.

Unencumbered Balance of Surcharge Revenue

17. There is projected to be a \$2.1 million unencumbered balance in the DHFS appropriation where the surcharge is collected at the end of 1996-97. This large balance has accumulated primarily because the encumbrances from the state's share have been substantially less than budgeted amounts. Over time, this has added to the balance.

18. If the projections of surcharge collections for the remainder of 1996-97 are correct, the unencumbered balance would be large enough to purchase all of the machines at one time (at an estimated cost of \$1,990,400), without having to use the financing agreement. Purchasing the machines with cash would save the state about \$355,100 in interest over the next five years.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to raise the driver improvement surcharge from \$300 to \$315 and to increase the percentage distributed to the state from 29.2% to 32.6%, but reestimate the additional revenue at \$176,000 in 1997-98 and \$352,100 in 1998-99. Create a PR, continuing appropriation for the purchase and maintenance of breath testing instruments. Transfer \$233,000 PR in 1997-98 and \$466,000 PR in 1998-99 from the DHFS appropriation where the OWI surcharge is collected to the appropriation in DOT (these amounts reflect the reestimated master lease payments).

<u>Alternative 1</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$528,100
[Change to Bill]	- \$216,600]
1997-99 FUNDING (Change to Base)	\$699,000
[Change to Bill]	- \$4,700]

2. Raise the driver improvement surcharge from \$300 to \$325 and increase the percentage distributed to the state from 29.2% to 34.8%. Estimate increased revenues at \$299,500 in 1997-98 and \$599,100 in 1998-99. Transfer \$233,000 PR in 1997-98 and \$466,000 PR in 1998-99 from the DHFS appropriation where the OWI surcharge is collected to a new PR, continuing appropriation for the purchase and maintenance of breath testing equipment.

<u>Alternative 2</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$898,600
[Change to Bill]	\$153,900]
1997-99 FUNDING (Change to Base)	\$699,000
[Change to Bill]	- \$4,700]

3. Specify that the Secretary of Administration shall transfer amounts from the DHFS appropriation in 1997-98, as deemed necessary to fund the cost of the breath testing instruments, to a new PR, continuing appropriation in the Department of Transportation for the purchase and maintenance of these instruments.

<u>Alternative 3</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$0
[Change to Bill]	- \$744,700]
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$703,700]

4. Take no action.

<u>Alternative 4</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$0
[Change to Bill]	- \$744,700]
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$703,700]

MO# AH#3

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ZOURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
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COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS

Prepared by: Jon Dyck

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Transfer Chemical Test Program to the OWI Surcharge (DOT -- State Patrol)

CURRENT LAW

The chemical test section within the Division of State Patrol maintains and tests equipment used in the enforcement of the state's operating while intoxicated laws. In addition, the section provides training and certification for State Patrol personnel, as well as local law enforcement, in the operation of such equipment. The base SEG budget for the chemical test section is \$888,300.

The statutes establish a \$300 driver improvement surcharge on operating while intoxicated (OWI) convictions. A portion of the collections from this surcharge are transmitted to the State Treasurer and placed in a Department of Health and Family Services (DHFS) appropriation and used by several agencies for programs related to preventing drunk driving.

GOVERNOR

A separate bill provision would increase the driver improvement surcharge by \$15 to fund the replacement of breath testing instruments.

DISCUSSION POINTS

1. DOT's November 8, 1996, 3.5% of state operations base reduction budget submission to DOA included an item proposing to fund the chemical test section from revenue generated by the driver improvement surcharge. In order to raise the \$888,300 annually that

would be needed, DOT proposed raising the surcharge by \$27 and transferring the full amount of the increase to the state.

2. Currently the costs of the chemical test section are covered by the transportation fund, which derives revenue primarily from the gas tax and vehicle registration fees. This may be appropriate if one takes the view that user taxes should generate revenue for both the purpose of producing transportation facilities as well as promoting their efficient use. Funding the chemical test section from the transportation fund is consistent with these principles to the extent that the section contributes to transportation efficiency through enhanced highway safety. In this sense, all users benefit from the service so they should all pay.

3. An alternate view (the one reflected in DOT's proposal) is that the violators of OWI laws should bear the full responsibility for funding the mechanism needed to enforce those laws.

4. In determining the amount by which the surcharge should be raised to support the chemical test section, DOT assumed that there would be 33,100 convictions per year and that the full amount of the surcharge would be collected in each case. However, on average, only about two-thirds of the surcharge is collected and recent experience suggests that it is reasonable to assume that there will be 35,000 convictions per year. Based on these assumptions, a \$40 increase would be needed to fully support the chemical test section. In order to transfer the entire amount of the increase to the state, the percentage that is transferred to the state would need to be increased from 29.2% to 37.6% (this would, on average, hold the counties harmless).

5. One possible impact of raising the surcharge by \$40 is that, as the total monetary penalty for an OWI offense becomes higher, the number of convicted drivers who refuse to pay (which results in license revocation) may increase. If these individuals choose to drive anyway, the number of drivers without a valid license would increase as well. Currently, the amount typically paid for a first OWI offense is \$687.50. The \$15 driver improvement surcharge increase under the bill would raise this to \$702.50.

6. A potential disadvantage to relying on OWI surcharge revenue is that it may be a somewhat unstable source. If the number of convictions falls, or the collection rate drops, the amount available for the chemical test section will fall as well. Some protection against fluctuations in collections may be provided by allowing this appropriation to retain all the revenue from the additional surcharge increment.

7. If a \$40 increase is deemed too large, another alternative would be to support part of the chemical test section with OWI surcharge revenue and the rest out of the transportation fund. An increase of \$20 would generate enough to cover about half of the costs. If this alternative were adopted, the percentage of the surcharge that is transferred to the state would need to be increased to 33.5%.

8. If either alternative becomes effective on the effective date of the bill, it would first apply to offenses committed on that date. Since there is some delay between the time of the offense and the time of collection, it may be appropriate to assume that the state would collect only about half of a full year's worth of additional revenue in the first year. Therefore, partial transportation fund support would be needed in that year.

9. The decision made by the Committee regarding the proposal in the bill to increase the OWI surcharge to fund the replacement of breath testing equipment may affect the surcharge level and state percentages included in the following alternatives.

ALTERNATIVES TO BASE

1. Raise the driver improvement surcharge from \$300 to \$340 and increase the percentage distributed to the state from 29.2% to 37.6%. Specify that the entire increase in revenues attributable to the increased state share would be deposited in a new, annual PR appropriation for the chemical test section. Estimate increased revenues at \$466,700 in 1997-98 and \$933,300 in 1998-99. Establish expenditure authority from the new appropriation at \$444,200 PR in 1997-98 and \$888,300 PR in 1998-99 and reduce the State Patrol's SEG appropriation by corresponding amounts. Specify that these changes would first apply to offenses occurring on the effective date of the bill.

<u>Alternative 1</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1998-99 REVENUE (Change to Base)	\$1,400,000	\$0	\$1,400,000
[Change to Bill]	\$1,400,000	\$0	\$1,400,000]
1997-99 FUNDING (Change to Base)	\$1,332,500	- \$1,332,500	\$0
[Change to Bill]	\$1,332,500	- \$1,332,500	\$0]

2. Raise the driver improvement surcharge from \$300 to \$320 and increase the percentage distributed to the state from 29.2% to 33.5%. Specify that the entire increase in revenues attributable to the increased state share would be deposited in a new, annual PR appropriation for the chemical test section. Estimate increased revenues at \$233,300 in 1997-98 and \$466,700 in 1998-99. Establish expenditure authority from the new appropriation at \$222,100 PR in 1997-98 and \$444,200 PR in 1998-99 and reduce the State Patrol's SEG appropriation by corresponding amounts. Specify that these changes would first apply to offenses occurring on the effective date of the bill.

<u>Alternative 2</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1998-99 REVENUE (Change to Base)	\$700,000	\$0	\$700,000
[Change to Bill]	\$700,000	\$0	\$700,000]
1997-99 FUNDING (Change to Base)	\$666,300	- \$666,300	\$0
[Change to Bill]	\$666,300	- \$666,300	\$0]

3. Take no action.

Prepared by: Jon Dyck

MO# A17

JENSEN	<input checked="" type="checkbox"/>	N	A
1 OURADA	<input checked="" type="checkbox"/>	N	A
2 HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
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GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 10 NO 6 ABS

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Public Safety Radio System (DOT -- State Patrol)

[LFB Summary: Page 614, #5]

CURRENT LAW

Several state agencies use radio communications in the course of doing their business. For some, including the State Patrol and DNR wardens, the radios are important pieces of law enforcement equipment. The combined base budget of DOT and DNR for radio-related services (including dispatchers) and equipment is \$6.139 million annually, which represents about 80% of radio budgets for all state agencies.

GOVERNOR

Provide \$61,100 PR in 1997-98 and \$85,300 PR in 1998-99 and 3.0 PR positions annually to perform programming, engineering and database support for the state public safety radio system. The three positions would perform functions currently being done through contracts (\$73,600 PR annually would be transferred from supplies and services to salaries and fringe benefits) and 1.0 PR project position, which expires on October 1, 1997. Base funding for the 1.0 PR project position (\$62,300 PR annually) was removed under the standard budget adjustments.

Provide \$89,300 SEG in 1997-98 and \$178,600 SEG in 1998-99 for a pilot project that would use VHF (very high frequency) trunking technology to improve the efficiency of the state's public safety radio system. This would fund DOT's share (50%) of the first three semi-annual payments on a seven-year financing agreement totaling \$2.5 million. The Department of Natural Resources would also pay 50% of the costs, which it would fund from its base budget

for fleet operations. VHF trunking uses computerized dispatching to automatically use open channels for communication in order to maximize the use of a finite number of channels, which would facilitate multi-agency use.

DISCUSSION POINTS

1. The major cost of the Governor's recommendation involves the implementation of a pilot project to test the effectiveness of a VHF trunking public safety radio communications system. The other component would establish 3.0 permanent PR positions to do work currently being performed through contracts and a project position.

2. With the assistance of a private radio technology firm, the Wisconsin Interagency Committee on Radio Tower Sites (WICORTS) demonstrated the VHF trunking technology in the four-county area surrounding Lake Winnebago for a ten-week period in early 1996. The State Patrol and the Departments of Natural Resources, Corrections and Military Affairs, as well as some local agencies, participated in the demonstration.

3. The trunking technology uses computerized dispatching to automatically switch users to open channels. In conventional radio communication, an agency typically has only one available channel. If one person is using that channel, all other potential users must wait until he or she is finished talking. Trunking would allow multiple conversations to proceed at the same time. In addition, trunking allows private person-to-person radio calls as well as multiple group conversations. With conventional radio technology, only one group conversation is possible and person-to-person calls are not possible.

4. Trunking also would facilitate multi-agency use by allowing agencies to share frequencies and tower sites, which would have efficiency advantages. In addition, local law enforcement agencies and other local users of public safety radio would be able to use the state's system. With conventional technology, shared use, including that by local agencies, is rare and difficult. During the demonstration project, however, all agencies shared just five channels, and radio logs reported almost no delays.

5. Since trunking allows multi-agency use, it is expected that it would eliminate some duplication of effort. In this sense, the trunking initiative would adhere to the Governor's Executive Order 242, which requires that agencies coordinate technology initiatives.

6. DOT indicates that trunking may be necessary in order to respond to increasing demands on the public safety radio system. During major events, such as a snowstorm, a hazardous materials spill or a serious traffic accident, the one available channel is often tied up and radio communication with local police, sheriffs' and fire departments is difficult.

7. Due to an increase in the usage of public safety radio frequencies and the demand for additional frequencies, the Federal Communications Commission (FCC) may require states to adopt more efficient technologies in the next several years. For instance, states may have to use radio equipment that is more sensitive to narrower bands of the spectrum, which would allow for two channels to be used on the frequency where only one is now used. This would require the replacement of all of the current radios and much of the tower equipment.

8. Trunking is another way to use limited frequencies more efficiently. Unlike the narrow band radios, however, trunking would allow for the use of at least five and perhaps more channels. In addition, trunking would provide the other features, identified earlier, that conventional radios cannot.

9. Several other states have begun to use trunking, but Wisconsin would be unique in using VHF frequencies for this purpose. Other states are using 800 MHz frequencies made available by the FCC for public safety radio. VHF, however, has a significant cost advantage over 800 MHz. To use 800 MHz, because the broadcast area is much more limited (10-mile radius versus 30 miles for VHF), the state would need over twice the number of tower sites as are required with VHF, and still would not get complete coverage because the 800 MHz signal tends to be absorbed by tree foliage.

10. Wisconsin would be able to use VHF frequencies because the U.S. Department of Defense has agreed to allow the state to use some of its frequencies in this band. DOT argues that if the state does not take advantage of this opportunity now, the Department of Defense would likely choose a different state to use these frequencies and the opportunity to implement trunking relatively inexpensively would be lost.

11. The pilot program under the bill would be implemented in roughly a four-county area at a site that has not yet been determined. The costs represent payments on a seven-year lease agreement for radio equipment, including mobile radios, computer dispatching stations and some tower improvements. In the 1997-99 biennium, \$89,300 SEG in 1997-98 and \$178,600 SEG in 1998-99 would be required.

12. In future biennia, the Departments of Transportation and Natural Resources would likely be requesting additional increases to implement the system on a statewide basis, if the pilot project proves successful. According to initial estimates, the full cost of implementation would be about \$45 million over ten years. These costs would be shared between the two departments and would amount to between \$4 million and \$5 million per year. However, some of these costs (approximately \$6.3 million) would be incurred to make improvements on the existing system, even if the FCC did not require the state to implement more efficient technology.

13. The Department of Natural Resources indicates that implementing VHF trunking is desirable from its perspective for the following reasons: (a) much of the existing broadcasting equipment will need to be replaced in the next several years; (b) the frequencies that it currently

has are not sufficient to meet the demands of DNR radio users; and (c) the features of trunking radios will eliminate the need to use expensive cellular phone service.

14. If the pilot is approved, an evaluation report would be completed before the end of the 1997-99 biennium. In the report, WICORTS would examine the extent to which trunking improved interagency cooperation, including the involvement of local and federal agencies. In addition, the report would evaluate the effect of trunking on communication during peak hours and emergencies.

15. If funding is provided for the pilot, this would have the effect of reserving the VHF frequencies for Wisconsin. The equipment would continue to be useful in the pilot area even if the statewide implementation is delayed.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$61,100 PR in 1997-98 and \$85,300 PR in 1998-99 and 3.0 PR positions annually to perform programming, engineering and database support for the public safety radio system. Provide \$89,300 SEG in 1997-98 and \$178,600 SEG in 1998-99 to make payments on a seven-year lease agreement for equipment related to a VHF trunking pilot project.

<u>Alternative 1</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$146,400	\$267,900	\$414,300
[Change to Bill]	\$0	\$0	\$0]
1998-99 POSITIONS (Change to Base)	3.00	0.00	3.00
[Change to Bill]	0.00	0.00	0.00]

2. Provide \$61,100 PR in 1997-98 and \$85,300 PR in 1998-99 and 3.0 PR positions annually to perform programming, engineering and database support for the state public safety radio system.

<u>Alternative 2</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$146,400	\$0	\$146,400
[Change to Bill]	\$0	- \$267,900	- \$267,900]
1998-99 POSITIONS (Change to Base)	3.00	0.00	3.00
[Change to Bill]	0.00	0.00	0.00]

3. Take no action.

<u>Alternative 3</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$0	\$0	\$0
[Change to Bill]	- \$146,400	- \$267,900	- \$414,300]
1998-99 POSITIONS (Change to Bill)	0.00	0.00	0.00
[Change to Bill]	- 3.00	0.00	- 3.00]

Prepared by: Jon Dyck

MO# AH #1

JENSEN	<input checked="" type="checkbox"/>	N	A
2 OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A
1 BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Fees for State Patrol Services (DOT -- State Patrol)

[LFB Summary: Page 615, #7]

CURRENT LAW

The State Patrol provides escort services for overweight or oversize loads traveling on highways within the state. The person or motor carrier transporting the load is charged a fee for these services, which is deposited in the transportation fund. The State Patrol also provides traffic enforcement services at certain events and festivals. In the past, no fee has been charged for these services.

GOVERNOR

Allow DOT to charge a fee for security and traffic enforcement services provided by the State Patrol at any public event organized by a private organization for which an admission fee is charged. Require amounts received for these services to be credited to a newly-created PR, continuing appropriation. Direct that amounts received for escort services also be deposited into this appropriation. Specify that funds deposited in this appropriation could be used to fund both escort services and patrol services at events. Reduce SEG funding by \$79,200 annually and increase PR funding by the same amount to reflect this change. Specify that these provisions would first apply to services provided on the effective date of the bill.

DISCUSSION POINTS

1. The State Patrol currently charges for providing escort services for oversize or overweight loads. The fees are typically specified in the application for a permit that carriers must attain to carry these loads. Fees for these services are deposited in the transportation fund.
2. Under this arrangement, the State Patrol is not directly compensated for these services, but instead covers the costs out of its base budget for operations. The funding available to the State Patrol for this purpose, therefore, does not vary depending upon the number of escorts provided.
3. Establishing a PR appropriation for this purpose would ensure that the State Patrol would receive funding commensurate with the services provided. The fiscal effect reflected in the Governor's recommendation comes entirely from shifting the funding of escort services from the SEG appropriation to the PR appropriation. The fiscal effect of charging a fee for traffic patrol services at events is not reflected. DOA indicates that DOT will receive an allotment increase when the fees are collected, based on the actual amount collected.
4. The State Patrol currently does not charge for traffic patrol services provided at special events, although there is no prohibition against charging a fee. Examples of such events are Oktoberfest, Farm Progress Days, the State Fair and the Experimental Aircraft Association Fly-In.
5. In 1996, the State Patrol incurred \$11,132 in expenses at Farm Progress Days, \$20,913 at the EAA Fly-In and \$8,525 at Oktoberfest. To put these costs in context, typically around 125,000 people visit Farm Progress Days, 800,000 people visit the Fly-In in Oshkosh and around 130,000 people go to Oktoberfest.
6. The State Patrol reports that they have seen an increase in the number of requests for services that are not related to their core highway patrol duties. Because of the increasing demand, and a limited budget to cover the expenses involved, the Patrol decided not to provide patrol services at the State Fair in 1996.
7. Much of the expense incurred by the State Patrol at large public events is related to providing traffic patrol services that are part of its basic mission of patrolling the highways. The issue of whether to charge for these costs may revolve around the question of whether the event sponsors should be held partially responsible for the heavy traffic that the event causes or whether the state is responsible for incurring the additional costs.
8. If event sponsors are required to pay, then the cost could be passed along to those who attend the event through admission charges. In this case, the users of the services would be charged accordingly.

9. The procedure to calculate the fees that event sponsors would be required to pay is not specified in the bill. The Department indicates that the fee charged would be for actual expenses incurred. The expenses can vary widely, however, depending upon the level of services provided and the extent to which overtime hours are used rather than regular hours. For instance, the State Patrol incurred \$26,493 in expenses at Farm Progress Days in 1995, but only \$11,132 in 1996. Additional legislative review of the fee structure and which events are covered under the law could be obtained by requiring the Department to promulgate rules specifying how the fees would be determined.

10. If it is decided that the state should provide traffic patrol services for special events without charge, it may be appropriate to increase the State Patrol's base budget to cover these expenses. Currently, these events have the effect of pulling officers off of their regular beats during the peak hours of the event. During the heavy traffic periods of the EAA Fly-In in Oshkosh, for instance, troopers are pulled in from a 12-county area, leaving these areas with minimal patrols. Increasing the State Patrol's budget for overtime to cover these events would minimize the effect on the patrols in surrounding areas.

11. Based on experience from the past two years, approximately \$60,000 annually would be needed to cover events primarily through overtime.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to establish a PR appropriation for providing escort services for overweight and oversize loads and traffic and security services at special events. Deposit revenues from the fees charged for providing these services into a new, PR appropriation, instead of into the transportation fund. Delete \$79,200 SEG annually and provide \$79,200 PR annually to reflect this change.

<u>Alternative 1</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$158,400	- \$158,400	\$0
[Change to Bill]	\$0	\$0	\$0]

2. Approve the Governor's recommendation, but require DOT to promulgate rules establishing the method of calculating the fee for services provided at special events and which event sponsors will be charged.

<u>Alternative 2</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$158,400	- \$158,400	\$0
[Change to Bill]	\$0	\$0	\$0]

3. Create a PR appropriation for the collection of fees for motor carrier escort services, specifying that these funds be used to cover the cost of providing these services. Delete \$79,200 SEG annually and provide \$79,200 PR annually to reflect this change. In addition, increase the State Patrol's overtime budget by \$60,000 SEG annually to cover the cost of traffic patrol services at special events.

<u>Alternative 3</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$158,400	- \$38,400	\$120,000
[Change to Bill]	\$0	\$120,000	\$120,000]

4. Create a PR appropriation for the collection of fees for motor carrier escort services, specifying that these funds be used to cover the cost of providing these services. Delete \$79,200 SEG annually and provide \$79,200 PR annually to reflect this change.

<u>Alternative 4</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$158,400	- \$158,400	\$0
[Change to Bill]	\$0	\$0	\$0]

5. Take no action.

<u>Alternative 5</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$0	\$0	\$0
[Change to Bill]	- \$158,400	\$158,400	\$0]

MO# Alt #2

Prepared by: Jon Dyck

JENSEN	<input checked="" type="checkbox"/>	N	A
2OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A
/ BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A
AYE <u>16</u>	NO <u>0</u>	ABS	

TRANSPORTATION

Prohibit DOT From Charging Farm Progress Days a Fee for Traffic Patrol

Motion:

Move to prohibit DOT from charging any sponsor of Farm Progress Days for any costs incurred by the Department associated with Farm Progress Days, except for the costs associated with the installation and maintenance of any highway signs specifically identifying Farm Progress Days. Require DOT to promulgate rules specifying eligibility as a sponsor of Farm Progress Days and determining conditions that must be satisfied to qualify as Farm Progress Days.

Note:

Farm Progress Days is an annual event organized cooperatively by a nonprofit organization, Farm Progress Days, Inc., the UW-Extension and the host county.

The State Patrol provides traffic patrol services at special events when such events have a significant impact on traffic. Currently, DOT does not charge the organizers of such events a fee to cover the costs of providing special traffic patrol services, but there is no prohibition against charging a fee. The State Patrol incurred costs of \$26,493 in 1995 and \$11,132 in 1996 related to Farm Progress Days. The bill would establish an appropriation for the collection of fees from organizers of a public event organized by a private organization when admission is charged at the event. However, the bill does not reflect a fiscal effect from charging these fees. Instead, DOT will receive an allotment increase from DOA, based on the actual amount collected.

This motion would prohibit DOT from charging the sponsors of Farm Progress Days a fee for traffic patrol services, but would allow DOT to charge for services related to placing signs identifying the event. The motion would also require DOT to promulgate rules specifically defining Farm Progress Days and the sponsors of Farm Progress Days.

MO# 1589

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 13 NO 3 ABS

TRANSPORTATION

Increase Number of State Patrol Troopers

Motion:

Move to increase the number of State Patrol troopers that DOT may employ from 385 to 395. Provide \$420,400 SEG and \$193,000 SEG-S in 1998-99 to fund salary and fringe benefits, training and equipment costs for the additional ten troopers.

Note:

The maximum number of State Patrol troopers that DOT may employ is statutorily determined. Although this number was increased from 375 to 400 by the 1983-85 biennial budget, DOT was prohibited from hiring more than ten additional troopers during that biennium. The 1985-87 biennial budget reduced the statutory authorization to 385 and it has remained at this level since then.

Typically, the State Patrol training academy offers one 22-week cadet class per year, with a maximum capacity of about 40 cadets. Due to a large number of expected vacancies, two classes will be offered in 1998-99, but only one can be offered in 1997-98. The second class of 1998-99, which will likely start in January, 1999, is when the additional troopers could be added. The SEG funding provided, therefore, is based on ten troopers and reflects the following: (a) one-half of a year's starting salary (\$203,500); (b) personal equipment (\$137,000); (b) one month of per diem expenses (\$1,700); (c) training and relocation expenses (\$72,000); and (d) one month of fleet expenses (\$6,200). The SEG-S funding would provide spending authority for the purchase of ten vehicles by DOT's fleet service center and is based on the full purchase price. The service center recovers its costs through mileage charges to the State Patrol.

Once the additional troopers are assigned, annualized costs starting in 1999-2000, consisting of salary and fringe benefit costs, per diem expenses and fleet expenses, would total \$501,000. This amount is based on current starting salary and fringe benefit costs, which are negotiated as part of a contract, and would likely be somewhat higher in 1999. In addition, if the Legislature decides to provide mobile data computers for trooper vehicles, this would increase the annual cost. No funding is provided for these expenses in the 1997-99 biennium on the

assumption that they would be acquired through a financing agreement late in 1998-99, and payments would not begin until 1999-2000. Based on current costs and interest rates for these machines, this would amount to about \$32,600 per year for three years.

[Change to Base: \$420,400 SEG and \$193,000 SEG-S]

[Change to Bill: \$420,400 SEG and \$193,000 SEG-S]

MO# 2015

JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 6 NO 10 ABS

TRANSPORTATION

State Patrol

LFB Summary Items for Which No Issue Papers Have Been Prepared

MO# Items 3, 4 & 6

<u>Item #</u>	<u>Title</u>			
{	3	Supplies and Services Increase	JENSEN	Y N A
	4	Fleet Cost Increases	ZOURADA	Y N A
	6	State Patrol Academy Tuition	HARSDORF	Y N A
			ALBERS	Y N A
			GARD	Y N A
			KAUFERT	Y N A
			LINTON	Y N A
			COGGS	Y N A

LFB Summary Item for Introduction as Separate Legis

<u>Item #</u>	<u>Title</u>			
{	8	Portable Scale Certification	BURKE	Y N A
			DECKER	Y N A
			GEORGE	Y N A
			JAUCH	Y N A
			WINEKE	Y N A
			SHIBILSKI	Y N A
			COWLES	Y N A
			PANZER	Y N A

AYE 16 NO 0 ABS _____

Kaufert → EAA motion